

IN THE CIRCUIT COURT OF PIKE COUNTY, ALABAMA

REGIONS BANK, a)
state banking association,)
Plaintiff and Counter Claim)
Defendant as to Parcel 1)
CHARLENE RYLES, Administrator) CIVIL ACTION NO. CV -05-B- 014
of the Estate of Charlie G. Ryles and)
CHARLENE RYLES, INDIVIDUALLY)
Cross Claim Plaintiff,)
V.)
THE ESTATE OF CHARLES G.)
RYLES; CHECK CARE SYSTEMS;)
ANDREANA PHIPHER)
BLEENDA RYLES; CHARLENE)
RYLES; CHRISTOPHER RYLES;)
DOROTHY D. RYLES; GREGORY D.)
RYLES; KERONICA RYLES;)
KIMBERLY RYLES; SANDRA)
RYLES, & INTERNAL REVENUE)
SERVICE)
Defendants; Counter Claim)
Defendants; and Cross Claim)
Defendants.)

CROSS CLAIM PLAINTIFF AND COUNTER/CROSS CLAIM DEFENDANT'S
1ST AMENDED COMPLAINT

COMES NOW the Cross Claim Plaintiff and Counter/Cross Claim Defendant, Charlene Ryles, individually and as Executor of the Estate of Charles G. Ryles, by and through her attorney of Record in the above-styled cause, and herewith files her First Amended Complaint, to her previously filed Answer; Cross Claim; and Counter Claim, by submitting and replacing as follows:

1. The Cross Claim Plaintiff and Counter /Cross Claim Defendant amends her previous Cross Claim and Counter Claims for Sale Division by adding the following party to the action: Internal Revenue Service

2. The Internal Revenue Service holds a lien against the Property which is the subject matter of the sale for division, described as follows:

Tax payer: Gregory D. Ryles
352 Aster Ave
Troy, Al
IRS lien Unit: Nashville, TN
Amount \$7,685.46
ID: 421-15-4507
Book and Page 2004 page 120
Pike County, Alabama
Recorded on May 5, 2004 and Executed April 22, 2004

Said lien is attached hereto and made part hereof as **Exhibit "A"**

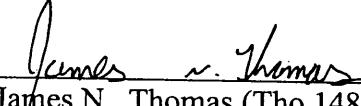
2. The Cross Claim Plaintiff and Counter and Cross Claim Defendant hereby incorporates her Petition for Sale for Division by attaching said Answer; Counter Claim and Cross Claim Complaint as **Exhibit "B"**; Cross Claim Plaintiff and Counter Cross Claim Defendant's Motion to Amend Complaint as **Exhibit "C"**; and Plaintiff's initial Complaint as **Exhibit "D"** and First Amended Complaint as **Exhibit "E"**.

WHEREFORE, Plaintiffs pray that this Court will take jurisdiction of this action and upon a hearing of this action will:

1. Permit the Internal Revenue Service to file any appropriate responses;
2. Set a new hearing date and serve the internal revenue service with Notice of same so they may be heard;
3. Order, adjudge, decree and declare the respective rights, titles and fractional interests of the parties to this action;

4. Determine that the property cannot be equitably divided or partitioned among the co-owners or tenants in common in accordance with their fractional interests;
5. Order that the property be sold at public sale to the highest and best bidder therefore;
6. Order the distribution of the proceeds of the sale of the property, after deduction for all allowable costs and expenses of this action and the sale, to the co-owners or tenants in common in accordance with their respective interests in and to the property after payment of said mortgage, if same should be reinstated, and properly apportioned judgement lien interests; and
7. Allow as a cost and expense of this action a reasonable fee to the attorney for the counter claim plaintiff for the commencement and prosecution of this action pursuant to Alabama Code Section 34-3-60.

Counter and Cross Claim Plaintiffs pray for such other, further and different relief to which they may be entitled.



James N. Thomas (Tho 148)
Attorney for Defendant and Counter/Cross
Claim Plaintiffs

OF COUNSEL:

James N. Thomas, LLC
James N. Thomas
Post Office Box 974
Troy, Alabama 36081-0974
(334)566-2181



Serve the Internal Revenue Service by Certified Mail as Follows:

Internal Revenue Service C/O US Department of Justice
Main Justice Building
950 Pennsylvania Ave, NW
Washington DC 20530

Internal Revenue Service C/O of the US Attorney's Office
US Attorney's Office
Ms. Leura G. Canary US Attorney
1 Court Square, Suite 201
Montgomery, Alabama 36104

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the forgoing Amended Complaint on the parties at the following addresses by mailing a copy of same by United States Mail properly addressed and first class postage prepaid, on this 19th day of September, 2005:

Alan C. Christian
Johnstone and Adams
Post Office Box 1988
Mobile, Alabama 36633

Charlene Ryles
P.O. Box 113
441 Bowden Street
Brundidge, AL 36010

Gregory D. Ryles
352 Aster Ave.
Troy, AL 36081

Sandra Ryles
P.O. Box 833
Troy, AL 36081

Blenda Ryles
PO Box 1272
352 Aster Ave
Troy, AL 36081

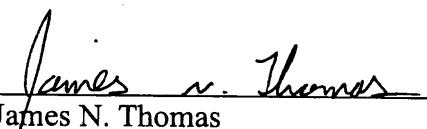
Keronica Ryles
PO Box 833
Troy, AL 36081

Kimberly Ryles
PO Box 662
Troy, Al 36081

Christopher Ryles
352 Aster Ave
Troy, Alabama 36081

Dorothy D. Ryles
656 Henderson Drive Apartment 1
Troy, Alabama 36081

Andreana Pipher
80 County View Dr
Shorter, Al 36075-3562



James N. Thomas